

**DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the application entitled

MEASURING A PROPERTY OF A LAYER IN A MULTILAYERED STRUCTURE

which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
10/269,619	October 11, 2002	Pending
09/544,280	April 6, 2000	Issued
09/095,804	June 10, 1998	Issued

I hereby state that the attached application presents the same material as presented in U.S. Patent Application 09/095,805 now U.S. Patent 6,054,868, which was previously incorporated by reference in each of the applications identified in the above table.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

David E. Steuber (25,557); Michael J. Halbert (40,633); Omkar K. Suryadevara (36,320).

Please address all correspondence and telephone calls to Omkar K. Suryadevara at the address associated with the following customer number:

34036

PATENT TRADEMARK OFFICE

I acknowledge that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Full name of sole (or first joint) inventor: Peter G. Borden
Inventor's Signature: Peter G. Borden Date: Nov. 24, 2003
Residence: San Mateo, California
Post Office Address: 118 Seville Way Citizenship: US
San Mateo, California 94402

Full name of second joint inventor: Jiping Li
Inventor's Signature: Jiping Li Date: 11/24/2003
Residence: Fremont, California
Post Office Address: 466 Calistoga Circle Citizenship: US
Fremont, California 94536